

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: OFFICE OF CONSUMER ADVOCATE, Complainant, v. MCLEODUSA TELECOMMUNICATIONS, INC., Respondent.	DOCKET NO. FCU-03-1
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ORDER SETTING PREHEARING CONFERENCE

(Issued March 4, 2004)

On February 12, 2004, the undersigned administrative law judge issued a procedural order and notice of hearing. The order required, among other things, that if the parties were unable to settle the case, on or before February 26, 2004, they were to file a document stipulating to as many facts as possible, identifying which facts remained in dispute and needed to be resolved, and stating whether they believed a hearing was necessary or whether the case could be submitted on the stipulated facts, prefiled testimony and evidence, and the prehearing briefs.

As of the date of this order, no such document has been filed.

On February 26, 2004, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed a second supplemental status report. The Consumer Advocate stated it had submitted a proposed stipulation to counsel for McLeodUSA Telecommunications, Inc. (McLeod), that McLeod had not responded to the proposed stipulation but had indicated that settlement may be possible, and that the Consumer Advocate opposed delay and requested the hearing date not be moved except by agreement of the parties.

Pursuant to 199 IAC 7.10(1), a prehearing conference will be set. Each party must bring a written proposal for stipulation of as many facts as possible to the prehearing conference. The proposal must also identify which facts remain in dispute and need to be resolved. In addition, each party must be prepared to discuss the proposals and come to an agreement at the prehearing conference regarding the facts to be stipulated and those remaining to be resolved. Each party must bring someone with sufficient authority to stipulate to the facts to the prehearing conference. Each party must be prepared to discuss whether a hearing is necessary or whether the case can be submitted on the stipulated facts, prefiled testimony and evidence, and prehearing briefs.

No continuances will be granted and the procedural schedule set forth in the February 12, 2004, order will not be amended except by agreement of the parties and the approval of the undersigned administrative law judge.

IT IS THEREFORE ORDERED:

A prehearing conference for the purposes set forth in this order is hereby scheduled for Tuesday, March 9, 2004, beginning at 9 a.m. in Board Conference Room 3, 350 Maple Street, Des Moines, Iowa.

UTILITIES BOARD

/s/ Amy L. Christensen
Amy L. Christensen
Administrative Law Judge

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

Dated at Des Moines, Iowa, this 4th day of March, 2004.